

SHREWSBURY TOWN COUNCIL

Planning Committee Meeting held in Council Chamber, Shirehall At 6.00pm on Tuesday 25 April 2023

PRESENT

Councillors N Green (Chairman), R Dartnall, M Davies, K Halliday, C Lemon, K Pardy (substitute for P Moseley) and D Vasmer.

IN ATTENDANCE

Helen Ball (Town Clerk) and Michelle Farmer (Committee Officer).

APOLOGIES

Apologies were received from Councillor Moseley and Councillor Wall. Apologies also received from Amanda Spencer (Deputy Town Clerk).

123/22 DECLARATIONS OF INTEREST IN ACCORDANCE WITH THE CODE OF CONDUCT

(i) Declarations of Pecuniary Interest

There were no pecuniary interests declared.

(ii) Declarations of Non-Pecuniary Interest

Shropshire Councillors	<ul style="list-style-type: none">Those twin-hatted members declared a personal interest in any matters relating to the Town Council's relationship with Shropshire Council.
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124/22 MINUTES OF THE LAST MEETING

The minutes of the Planning Committee meeting held on 4 April 2023 were submitted as circulated and read.

RESOLVED:

That the minutes of the Planning Committee meeting held on 4 April 2023 be approved and signed as a correct record.

125/22 MATTERS ARISING

125.1 Re-consultation – 23/00763/FUL – 31 Bynner Street, Shrewsbury. SY3 7PB

Members were advised by the Town Clerk that the Committee had looked at this application on 4 April 2023 and deferred their decision stating that they would like further information from the applicant before making a decision on the application with regards to what materials would be used as the location was within the Conservation Area.

The application form stated that all front windows (bay), upstairs windows and front door to be replaced, which itemised individual glass panes, four windows in total and one pane of glass above the door. The proposed materials and finishes would be wood painted off white/cream.

RESOLVED:

That the Town Council raise no objections to this application.

125.2 Re-consultation – 23/00889/FUL – 26 Montague Place, Shrewsbury. SY3 7NF

Members were advised by the Town Clerk that the Committee had looked at this application on 4 April 2023 and deferred their decision stating they would like further information from the applicant before making a decision on the application in regard to what materials would be used as the location was within the Conservation Area.

RESOLVED:

That the Town Council raise no objections to this application.

125.3 Re-consultation – 23/00268/FUL – 41 Roseway, Shrewsbury. SY1 4HW

Members were advised by the Town Clerk that the Committee had looked at this application on 4 April 2023 and deferred their decision stating they would liked to have seen further comments from Shropshire Council Officers before making a decision on the application.

The Town Clerk advised Committee that no consultee comments were showing on the Planning Portal and no new information was shown for the application. It was commented that a decision would need to be made at this meeting due to the determination date of the application.

RESOLVED:

That the Town Council raise no objections to this application.

126/22 COUNCIL POLICY ON APPEAL REPRESENTATIONS

The Chairman reported that given the recent decision made by the Planning Inspector regarding Hencote, the Committee needed to consider its future approach to ensure that objections to applications were fully represented at appeal.

The Town Clerk informed Committee that the Town Council received Notices of Appeal as a planning consultee. This would usually state how the appeal would be heard (exchange of statements or a full-blown hearing) and how to make any representations and by when. Routinely the committee had relied on the fact that the comments made to the Planning Authority as part of the planning process would form part of the defence bundle and would be considered by the Planning Inspector.

In the case of Hencote, when the appeal decision was not defended, that wasn't the case. But in fairness the Planning Inspector recognised the local strength of feeling and allowed any interested party to make representations regardless of whether they had requested representation status, commonly known as Rule 6 Status.

“Rule 6 status” refers to Rule 6(6) of the Inquiries Procedure Rules relevant to the particular inquiry. These are The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and The Town

and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000.

Rule 6(6) states that:

“The Secretary of State may in writing require any other person, who has notified him of an intention or wish to appear at an inquiry, to send within 4 weeks of being so required –

(a) 3 copies of their statement of case to him; and

(b) a copy of their statement to any statutory party,

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the applicant/appellant.”

If the committee wished to take a very active part in any appeal it should contact the Planning Inspectorate requesting “Rule 6” status, stating who they were representing, why they want “Rule 6 status” and briefly explain what they can bring to the inquiry that another party may not.

With “Rule 6 status” the council would be considered to be a main party. They would be sent copies of the documents sent to the Planning Inspector by the other main parties (e.g., the applicant/appellant, the local planning authority and any other Rule 6 parties). They would be entitled to appear at the inquiry and to cross-examine other parties.

The Planning Inspectorate would instruct Rule 6 parties to submit a statement of case, usually within 4 weeks of the date of the letter which grants “Rule 6 status being confirmed by the Planning Inspectorate.

The appellant/applicant and the local planning authority must jointly prepare a statement of common ground. This should list all agreed matters and should include basic facts such as the site description, area, planning history, relevant planning policies, and as many other matters as possible relating to the application.

Usually with the agreement of the appellant/applicant and the local planning authority, Rule 6 parties can also agree a statement of common ground. This would establish those matters which were agreed with the main parties, which means that the inquiry could then focus on the issues which were in dispute (uncommon ground).

If the council proposed to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence copies of it and anything that is to be read out must be sent to the Planning Inspector.

Any proof of evidence should:

- refer to the information that our witnesses wish the Inspector to take into account;
- cover only areas where we disagree with another party;
- contain the witness’s concisely expressed opinion and argument;
- contain a clear cross reference to any supporting documents, for example containing data, analysis or copies of legal cases which should have been provided with our statement of case;
- not include new areas of evidence unless, exceptionally, there is good reason why new factual evidence has to await the exchange of written proof(s);

- not repeat or quote national or local policy, but should provide policy name and paragraph numbers;
- not omit necessary detail;
- not include long irrelevant biographical detail of the witness.

Proofs needed to be concise and where it exceeded 1500 words a summary should be provided and it is the summary that is read out.

Summaries should concentrate on the main points at issue. They must not introduce new or different evidence nor go beyond the scope of the text they summarise.

Core documents (like the local plan) would usually be sorted out by either the appellant or the Planning Authority

For major applications there would likely be Case Management Conferences or Pre-Inquiry meetings to which it would be expected that Rule 6 Parties take part in

An inquiry was the most formal of the appeal procedures, and it usually involved larger or more complicated appeals. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar. Often expert evidence is presented and witnesses are cross-examined (questioned).

The order of appearances is at the discretion of the Inspector who would usually take into account the views of the parties and the particular circumstances of the case.

Each of the main parties would make their opening statements, which set out what their case would be. For a planning inquiry the order of these is usually the appellant/applicant, the local planning authority and then any Rule 6 parties. When the witnesses give their evidence, it is usual for the local planning authority to go first, followed by any Rule 6 parties that oppose the appeal/application, then any Rule 6 parties that support the appeal/application and finally the appellant/applicant.

There is no cost to being a Rule 6 party other than what the council may incur in preparing evidence (e.g., photocopying, binding and posting) and attending the inquiry or possibly professional advice to present the council's case.

All parties to an appeal are normally expected to meet their own expenses.

The Town Clerk concluded that if the council felt so strongly about an application that it had recommended refusal and it were refused and subsequently the applicant appealed, then the council should be expected to seek Rule 6 Status and depending on the level of the appeal be expected to submit at a minimum a Statement of Case to the Inspector. Whether this would be extended to attendance at Inquiry and presentation of witness statements and cross examination of other witnesses would need to be a matter for the council to consider on a case-by-case basis.

It would require Committee & Officer time in drafting information but the lesson from Hencote was don't rely on others to submit the councils representations, the council should do it themselves.

So, the proposed process was:

1. A Notice of Appeal is received
2. That notice is considered at the next available planning meeting (providing it works within any specified dates)

3. Committee agrees to Rule 6 status request and the Planning Inspector is notified
4. Committee and officers work on the statement of case and any other documents depending on the level of the appeal
5. Outcome of the appeal is presented to Committee for noting

Councillor Green thanked the Town Clerk for her proposals. The Committee considered that the number of times a planning appeal was sought was minimal and of those the number that were significant was even fewer and given the expense of Hencote, these would be occasions where the community would expect the Council to represent their views. Given the infrequency of appeals, it should be one-off costs the council should be prepared to bear.

Councillor Dartnall stated that this needed to be in place so the Committee would be able to react quicker and it must be ready to use.

RECOMMENDATION

- (i) **That Shrewsbury Town Council should make independent representations to the Planning Inspectorate on the occasions that applications that the Committee has recommended refusal and is duly refused is sent to appeal.**
- (ii) **That the Town Clerk prepare a policy document to outline process to be circulated to the Committee and recommended to Council for adoption**

127/22 HENCOTE PLANNING APPROVAL

The Chairman advised Committee that a draft letter had been prepared to be sent to Shropshire Council regarding the Town Council's concerns following the decision made about the recent outline appeal at Hencote.

The Chairman also thanked the Town Clerk for the draft letter she had compiled. The Chairman welcomed comments from Members regarding the proposed letter and the Committee needed to ensure that this situation did not arise again. There needed to be a strong planning system and be ensured that the Town Council's voice was heard. The Committee considered whether the Local Government Ombudsman might be a further route should there be no response from Shropshire Council.

Councillor Davies suggested that a time limit for reply should be added to the letter which was agreed by all Members.

RESOLVED:

- (i) **That the draft letter be sent electronically to all Members of the Planning Committee and any comments/amendments to be received by 28th April 2023.**
- (ii) **That all comments be collated, and letter updated and sent to members of the Finance & General Purposes Committee for approval on 5 June 2023.**
- (iii) **That further consideration be given to a complaint to the Ombudsman in the event of a lack of response.**

128/22 HIGHWAY ORDERS

There were no Highways orders for consideration.

129/22 TREE PRESERVATION ORDERS

There were no Tree Preservation Orders for consideration.

130/22 PREMISES LICENCE APPLICATIONS

There were no Premises Licence Applications for consideration.

131/22 PLANNING APPLICATIONS

131.1 Schedules of Planning Applications

The Deputy Town Clerk submitted the schedules of valid planning applications for planning consent for development within the Town Council's area, which had been registered between 25 March 2023 – 14 April 2023.

RESOLVED:

- (i) **That the following comments be submitted to Shropshire Council:**

1.	23/01488/FUL	16 Coton Crescent Shrewsbury Shropshire SY1 2NY	Replacement roof and internal alterations	No Objection
2.	23/01484/FUL	10 Vane Road Shrewsbury Shropshire SY3 7HB	Erection of rear single storey and two storey extension	No Objection
3.	23/01455/VAR	Chronicle House Chester Street Shrewsbury Shropshire	Variation of Condition No. 2 attached to Planning Permission 21/02363/FUL dated 05 July 2021 to allow alteration to the approved floor plans and elevations to allow the addition of an external balcony within courtyard	No Objection
4.	23/01454/FUL	22 Beechwood Drive Shrewsbury Shropshire SY1 2RF	Single storey side extension to create garden room	No Objection
5.	23/01346/FUL	10 Sunnyfields Bell Lane Shrewsbury Shropshire SY2 5EW	Part 1, Retrospective planning approval on the existing single storey rear extension that was built over 4 years by the previous owners. Part 2, Small infill extension on the previously built extension and internal alterations	No Objection

6.	23/01416/FUL	16 Northwood Road Shrewsbury Shropshire SY2 5LH	Single storey extensions to side and rear and associated alterations	No Objection
7.	23/01391/FUL	35 Victoria Road Shrewsbury Shropshire SY3 9HX	Erection of two storey side extension and single storey rear extension with internal alterations, all to replace the existing single storey part of the dwelling	Representation

Whilst the Town Council does not object to this application per se, Members wish to be assured that any development preserves and enhances the local area and the Conservation area.

8.	23/01370/FUL	2 Coniston Road Shrewsbury Shropshire SY1 4EB	Erection of detached garage and storage to ensure secure parking of vehicles and storage	No Objection
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The Town Council has no objections per se to this application, but requests that conditions are established which ensures that the new building remains ancillary to the main property and cannot be sold as a separate residence.

9.	23/01476/TCA	103 Longden Coleham Shrewsbury Shropshire SY3 7DX	Coppice 1no. Willow (T1) within Shrewsbury Conservation Area	No Objection
10.	23/01472/TCA	24 Albert Street Shrewsbury Shropshire SY1 2HT	Remove 1no. Fir tree within Shrewsbury Conservation Area	Objection

The Town Council object to the felling of the tree and suggested the applicant considers works to improve the look of the tree rather than felling. The tree has significant amenity value for the area and should be preserved.

11.	23/01338/FUL	131 Wenlock Road Shrewsbury Shropshire SY2 6JZ	Erection of a single storey rear extension following removal of existing garage	No Objection
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The Town Council raise no objections to the application but respectfully request that the Case Officer investigates the objectors concerns that have been raised regarding potential privacy issues.

12.	23/01304/ADV	Budgen Motors Ltd Featherbed Lane Harlescott Shrewsbury Shropshire SY1 4NN	Erect and display new signage. Sign 1: New Illuminated Renault logo on existing fascia, Sign 2: New Dacia Fascia Sign, Sign 3: Existing Renault Totem to have retrofitted backlit graphics, Sign 4: Existing Dacia Totem to have retrofitted new image	No Objection
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13.	23/01079/FUL	20 Onslow Drive Shrewsbury Shropshire SY1 3DF	Erection of single storey side extension to replace existing single storey build that is subsiding with balcony above and access staircase, erection of single storey rear extension and internal alterations	No Objection
14.	23/01443/TCA	1 Linden Gardens Shrewsbury Shropshire SY3 7PH	Fell 1no Cherry & 1no Damson within Belle Vue Conservation Area	Support with Comment

The Town Council raise no objections to this application but do request that the applicant replants trees in the area.

15.	23/01442/TPO	1 Linden Gardens Shrewsbury Shropshire SY3 7PH	Fell 1no Holly & 1no Cherry protected by the Shrewsbury & Atcham Borough Council (1 Linden Gardens 2005) Tree Preservation Order 2005 (Ref: SA/407)	Support with comment
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The Town Council raise no objections to this application but do request that the applicant replants trees in the area.

16.	23/01441/TPO	Prestfelde Preparatory School London Road Shrewsbury Shropshire SY2 6NZ	Fell 1no Yew & 1no Oak protected by the Shropshire Council (Land at Prestfelde School, London Road, Shrewsbury) Tree Preservation Order 2021 (Ref. SC/00479	Permission granted by Shropshire Council prior to the meeting
17.	23/01312/FUL	33 Meole Crescent Shrewsbury Shropshire SY3 9ES	Erection of single storey rear extension following demolition of existing, enlargement of side window, conversion of attic including insertion of glazed gable within the roof	No Objection
18.	23/01293/FUL	17 Shorncliffe Drive Shrewsbury Shropshire SY3 8TE	Conversion and extension of single storey utility, rear and front extensions with Internal remodelling work	No Objection
19.	23/01363/TCA	129 Abbey Foregate Shrewsbury Shropshire SY2 6AX	Removal of 1no. Yew within Shrewsbury Conservation Area	No Objection

20.	23/01284/LBC	2 Severn Street Shrewsbury Shropshire SY1 2JA	Internal re-configuration and new timber framed windows. Installation of new bi-folds doors, decking and pergola to rear. Removal of dwarf wall to the front and new off road parking space	Objection
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The Town Council object to this application. The boundary wall to the front of the property contributes to the overall street scene in the area and removal to allow on-site parking would provide not only a detrimental impact to the street scene but would set an unwanted precedent to further parking. Council additionally seeks further detail on fenestration to understand the impact on this building but feels the parking issues so significant to merit outright refusal.

21.	23/01283/FUL	2 Severn Street Shrewsbury Shropshire SY1 2JA	Internal re-configuration and new timber framed windows. Installation of new bi-folds doors, decking and pergola to rear. Removal of dwarf wall to the front and new off road parking space	Objection
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The Town Council object to this application. The boundary wall to the front of the property contributes to the overall street scene in the area and removal to allow on-site parking would provide not only a detrimental impact to the street scene but would set an unwanted precedent to further parking. Council additionally seeks further detail on fenestration to understand the impact on this building but feels the parking issues so significant to merit outright refusal.

22.	23/01256/FUL	Shropshire Youth Association Monkmoor Youth Club Upton Lane Shrewsbury Shropshire SY2 5RR	Removal/demolition of existing temporary, single storey, timber youth club building. Construction of new permanent two storey youth club building	Support with Comment
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The Town Council raise no objections to this application as it is a much-needed facility. Members would like to see a more sustainable permeable hardstanding used instead of tarmac.

23.	23/01322/TPO	Overdale 25 Ridgebourne Road Shrewsbury Shropshire SY3 9AA	Fell 1no Douglas Fir (T1) protected by The Borough of Shrewsbury (Ridgebourne Road) Tree Preservation Order 1968 (Ref: SA/37)	No Objection
24.	23/01225/FUL	83 Bishop Street Shrewsbury Shropshire SY2 5EZ	Proposed loft conversion with dormer windows to front and large dormer to rear (revised scheme)	No Objection
25.	23/01208/FUL	44 Canon Street Shrewsbury Shropshire SY2 5HQ	Replace both bedroom windows at the front of the property with new wooden sash windows (Article 4)	No Objection

26.	23/01204/FUL	Marantha 100 Belle Vue Road Shrewsbury Shropshire SY3 7NP	Erection of porch over front door, fenestration alterations, internal layout alterations, erection of rear single storey extension and demolition of existing garden room	No Objection
27.	23/01190/LBC	5 New Street Shrewsbury Shropshire SY3 8JN	Removal and rebuild of rear gable to remediate structural defect affecting a Grade II Listed Building	No Objection

131.2 Schedule of Planning Decisions

The Deputy Town Clerk submitted the schedules of planning decisions where the comments of the Town Council varied to the final planning decision of the Planning authority between 25 March 2023 to 14 April 2023.

RESOLVED:

That the variance of planning decisions between the period 25 March 2023 to 14 April 2023 be noted.